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Building The Wireless Future™
Cellular Telecommunications & Internet Association

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 27, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, TW-A325
Washington, DC 20554

Re: Ex Parte Presentation
CC Docket No. 94-102

Dear Ms. Salas:

On June 26, 2001, the Cellular Telecommunications & Internet Association ("CTIA"), represented by Christopher Guttman-McCabe, Director for Regulatory Policy, forwarded a copy of the attached letter via e-mail to Thomas Sugrue, Chief, Wireless Bureau, James Schlichting, Deputy Chief, Wireless Bureau, Kris Monteith, Chief, Policy Division, Wireless Bureau, and Dan Grosh, Senior Attorney, Wireless Bureau. The letter was from Tom Wheeler, President/CEO of CTIA to the boards of directors of both the National Emergency Number Association ("NENA") and the Association of Public-Safety Communications Officers International, Inc. ("APCO").

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter is being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

Christopher Guttman-McCabe

Attachment(s)

No. of Copies rec'd 071
List A B C D E





Cellular Telecommunications & Internet Association

Thomas E. Wheeler

President, CTIA

June 24, 2001

The Board of Directors
National Emergency Number Association
P.O. Box 360960
Columbus, OH 43236

The Board of Directors
Association of Public-Safety Communications
Officials International, Inc.
351 N. Williamson Blvd.
Daytona Beach, FL 32114

Dear Director:

I want to thank both NENA and APCO for this opportunity to continue our dialog at this gathering together of the two Association's Boards in conjunction with the start of NENA's 20th Annual Conference in Orlando, Florida. If we are to succeed in delivering enhanced wireless 9-1-1 services to the American public, it will require our mutual cooperation and dedication to satisfy the expectations of Congress, the Federal Communications Commission, and most importantly, the public we all serve.

I am extremely proud of the fact that CTIA, on behalf of the wireless industry, joined your associations more than six years ago to jointly ask the FCC to establish the now familiar two phase deployment of wireless E 9-1-1. Contrast our industry's record with that of the wireline industry. In 1994, the FCC began a proceeding, CC Docket 94-102, with the goal of providing enhanced 9-1-1 services to wireline customers served by a PBX, and a single segment of the wireless industry – the new Personal Communications Services (PCS) carriers. While the wireline industry has continued to find reasons to delay delivering call back information and location information for customers located behind a PBX, the wireless industry joined with public safety to develop and deploy new lifesaving technology available no where else on earth. With CTIA's support, the FCC adopted an aggressive deployment schedule for wireless E 9-1-1 – a schedule that puts wireline 9-1-1 deployment to shame and expands the scope of the original petition to include not only PCS providers, but all cellular and enhanced Specialized Mobile Radio Service licensees.

We are now midway through delivering on our joint promise. As you know, every wireless switch in the country is Phase I compliant (even if the PSAP is not able to utilize the information). Expanding upon that deployment, by October 1, 2001, wireless carriers will have



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implemented the Phase II capabilities or will have committed to binding deployment schedules with the FCC. While some may call these schedules "waivers," that is an incorrect appellation since they constitute a binding agreement with the regulatory agency for the delivery of specified capabilities. The FCC has made clear, as recently as two weeks ago in testimony to the Telecommunications Subcommittee of the Commerce Committee of the United States House of Representatives, that wireless carriers will not be relieved of their obligations to deploy E 9-1-1. If a carrier is unable to meet the October 1 date, the FCC is requiring a commitment to an implementation schedule based on a detailed review of the carrier's wireless technology and network capabilities.

Our experience deploying Phase I E 9-1-1 has demonstrated that three parties are essential to a successful resolution of this challenge: the wireless industry (both carriers and suppliers), the Federal Communications Commission, and you and your colleagues, the Public Safety Answering Points (PSAPs). This is neither the time nor place to catalog our differences with the FCC, but their actions have had consequences that affected the deployment of wireless E 9-1-1. Public safety and the wireless industry, for instance, both asked the FCC not to do what it ultimately did on uninitialized phones, a decision that makes it impossible for a PSAP to call back to verify an emergency call or reconnect if a call has been dropped or terminated. In another matter, concerning a fundamental change in the cost recovery rules that shifted additional implementation costs to wireless carriers, our two organizations did not agree. And in what is probably the most critical of these actions that have consequences, the FCC continually shifted the location accuracy requirements so that the standard upon which our organizations had agreed was never a stable platform for technological development. Regardless of the outcome, the FCC required a year or more to resolve each disputed issue, thus freezing the parties' positions, impacting technology decisions by carriers and their suppliers, and delaying deployment planning while the FCC deliberated.

October 1st is less than one hundred days away. The purpose of this letter is to ask how we can work together to assure that the Public Safety community will be as ready to deliver on the FCC-carrier agreements as the carriers will be. Neither one of us wants to be caught in a "tree falling in the forest" situation where the information from a location equipped phone or network is not usable by the PSAP because its equipment has not been upgraded to utilize the wireless location information (e.g., to receive and process latitude/longitude into a dispatch address). This is particularly important because the concept of a "soft launch" of E 9-1-1 service is hard to imagine.

When the first wireless customer receives a location-enabled wireless phone, and when wireless carriers deploy network-based solutions, the public is going to expect Phase II E 9-1-1 features

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and service wherever they roam because, to state the obvious, a wireless phone is a mobile device. Project LOCATE may be a start, but it is not an answer to what wireless carriers, policy makers, and the public are seeking. Not only is Project LOCATE limited to fewer than fifty of the nation's 6800 PSAPs, but our review of the specific PSAPs participating in Project LOCATE suggests that a significant number lack either the funding or the technical capabilities required for Phase II wireless E 9-1-1 service. As carriers deploy Phase II technology, attention will shift to PSAPs that lack the ability to provide lifesaving enhancements to wireless customers with location-enabled handsets or those who roam in and out of PSAPs with and without Phase II capability.

The wireless industry is entering into binding agreements with the FCC that will specify the rollout of E 9-1-1 technology and attach penalties thereto. How can the PSAP community make a similar binding and enforceable commitment? We recognize that you are not regulated by the FCC (nor by any Federal body), however, as the wireless industry commits to an enforceable delivery of E 9-1-1 capabilities, should not the 6800 PSAPs embrace a similar level of commitment?

We must work together to avoid the potential for massive confusion and dissatisfaction that could result if customers who believe they have purchased a phone (or wireless service) with enhanced wireless 9-1-1 capabilities discover that their phone (or service) does not deliver on its promise because the PSAP involved can not deliver on its promise. The wireless industry, in some instances for many years, has been collecting monthly fees to pay for PSAP E 9-1-1 upgrades. Currently, these payments to PSAPs are estimated to amount to approximately \$700 million per year. Yet, to the best of our knowledge, these fees have not resulted in anywhere near the upgrades necessary to enable PSAPs to receive Phase I location information, let alone the Phase II information carriers will shortly be delivering. The billions of dollars collected from consumers must be put to work immediately to enable Public Safety to keep their end of the E 9-1-1 commitment.

Another challenge we face together is the lack of uniform implementation plans. Individual dealings with 6800 PSAPs is cumbersome, costly and counter productive. CTIA has long sought the ability to work with PSAPs to develop unified statewide E 9-1-1 deployment plans. Absent such statewide coordination and implementation, deployment of wireless E 9-1-1 will require tens of thousands of individual contracts, and extensive local program management. Congress recognized the benefits of statewide implementation in the 9-1-1 law passed in 1999, and specifically instructed the FCC to facilitate the development of such plans. Unfortunately, the FCC has done nothing to further the intent of Congress in those states that do not have a comprehensive plan for deployment of wireless E 9-1-1 service. Our organizations and

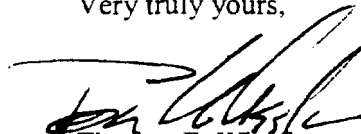
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members must work together to develop and adopt statewide implementation plans in each of the fifty states.

Together, our members should be seamless links in a single chain. Policy makers, and the public they serve, expect the chain to support ubiquitous wireless E 9-1-1 service. The wireless industry will invest billions of dollars to upgrade its networks and handsets. The nation's 120 million wireless subscribers will pay an estimated \$700 million a year in 911 surcharges intended to support PSAP deployment of the Phase I and Phase II features. As I have said throughout this correspondence, these realities create a common challenge that is only resolvable together.

Just last week, Chairman Upton asked CTIA and its members to improve our communications with the Public Safety community. I hope this letter can be the start of a constructive new dialog. CTIA joined with NENA and APCO to urge the FCC to adopt the original Phase I and Phase II wireless E 9-1-1 rules, and CTIA wants to join with you again in making the promise of the rules a life enhancing reality.

Very truly yours,



Thomas E. Wheeler